

CSD 3000A [11/15/04]

Name, Address, Telephone No. &amp; I.D. No.

Jeffry A. Davis (SBN 103299)

Joseph R. Dunn (SBN 238069)

Mintz Levin Cohn Ferris Glovsky and Popeo PC

3580 Carmel Mountain Road, Suite 300

San Diego, CA 92130

Telephone: (858) 314-1500

Facsimile: (858) 314-1501



## UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

325 West "F" Street, San Diego, California 92101-6991

In Re COLONY PROPERTIES INTERNATIONAL II, LLC,

Debtor.

KBR GROUP, LLC, et al.,

Plaintiff(s)

v.

NICOLAS MARSCH III, et al.,

Defendants(s)

ADVERSARY NO. 10-90134-PB

Date of Hearing: May 5, 2010

Time of Hearing: 10:00 a.m.

Name of Judge: Peter W. Bowie

## ORDER DENYING PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

IT IS ORDERED THAT the relief sought as set forth on the continuation pages attached and numbered two (2) through 2 with exhibits, if any, for a total of 2 pages, is granted. Motion/Application Docket Entry No. 5.

//

//

//

//

DATED:

May 17, 2010

Signature by the attorney constitutes a certification under Fed. R. of Bankr. P. 9011 that the relief in the order is the relief granted by the court.

Submitted by:

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC

(Firm name)

By: /s/ Joseph R. Dunn

Joseph R. Dunn

Attorney for ☐ Plaintiff ☒ Defendants

Judge, United States Bankruptcy Court

CSD 3000A [11/15/04] (Page 2)

ORDER DENYING MOTION FOR PRELIMINARY INJUNCTION

DEBTOR: COLONY PROPERTIES INTERNATIONAL II, LLC

CASE NO: 10-03361-PBINV11

ADV. NO.: 10-90134-PB

The Court, having considered the motion (the "Motion") of KBR Group, LLC, KBR Opportunity Fund I, LP, and KBR Opportunity Fund II, LP (collectively, "KBR") for a preliminary injunction regarding control of debtor Colony Properties International II, LLC (the "Debtor"), the Debtor's opposition to the Motion, KBR's reply to the Debtor's opposition, all declarations, exhibits and other papers submitted in support of each of the foregoing, the record in this case, and the arguments of counsel for KBR and the Debtor at the May 5, 2010 hearing on the Motion (the "Hearing"); and for the reasons set forth on the record at the Hearing, and good cause appearing therefor,

IT IS HEREBY ORDERED THAT

1. The Motion is DENIED as moot.

Approved as to form:



Alan Vanderhoff  
Vanderhoff Law Group  
Counsel for KBR Group, LLC,  
KBR Opportunity Fund I, LP, and  
KBR Opportunity Fund II, LP